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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,061	11/19/2003	Christopher J. Cookson	3053-070	7222

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EXAMINER

HUBER, PAUL W

ART UNIT PAPER NUMBER

2653

DATE MAILED: 08/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/717,061

Applicant(s)

COOKSON ET AL.

Examiner

Paul Huber

Art Unit

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>01302004</u> . | 6) <input type="checkbox"/> Other: ____.  |

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The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Maeda (USP-5,485,452).

Regarding claims 1, 3, 4, 10, 11, & 14, Maeda discloses a disc player for reading data from an optical disc 1 having two data layers accessible from the same side of the disc 1. See figure 8. The player includes: a source of laser beams 13-15 generating respective first and second incident laser beams; an optical assembly 16, 17 that focuses the first beam on the first data layer and the second beam on the second data layer to obtain respective first and second reflected beams; a first data detector 19 that detects data from the first reflected beam to generate a first data stream corresponding to data from the first data layer; and a second data detector 20 that detects data from the second reflected beam to generate a second data stream corresponding to data from the second data layer.

Regarding claims 2 & 12, since each of the data layers 4 and 6 have recorded therein a coded information data pattern which is unique to the particular data layer, the apparatus inherently includes a first decoder that decodes the first data stream generated by the first data detector 19 to generate a first decoded data stream, and a second decoder that decodes the second data stream generated by the second detector 20 to generate a second decoded data stream.

Regarding claims 5-9, the claimed "first laser source" reads on optical element 13 and the claimed "second laser source" reads on optical element 15. See figure 8.


Regarding claim 13, Maeda discloses, in reference to another embodiment of the invention (figure 7), that each of the optical heads 11a & 11b are "shiftable in the radial direction of the disk, and their positions are controlled by a tracking servo system and a feed servo system (both not shown) which are provided for coarse and fine adjustments" (col. 4, lines 57-60). Therefore, Maeda teaches tracking the relative movement of the laser head, i.e., laser head 11b, with respect to the disc by using the second reflected laser beam as claimed. Moreover, although not specifically disclosed, the optical laser head of

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figure 8 inherently includes a tracking actuator for tracking the relative movement of the laser head as claimed.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Miyagawa et al. and Gage et al. each disclose an optical drive apparatus including means for generating first and second incident laser beams.

Any inquiry concerning this communication should be directed to Paul Huber at telephone number 703-308-1549.



Paul Huber  
Primary Examiner  
Art Unit 2653